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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,200	12/21/2001	Guy William Welch Roberts	01.160.01	4508

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EXAMINER

GELAGAY, SHEWAYE

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 12/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/024,200	Applicant(s) ROBERTS ET AL.	
	Examiner Shewaye Gelagay	Art Unit 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6,8-10,12-15,17-19,21-24 and 26-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-6,8-10,12-15,17-19,21-24 and 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 12, 2005 has been entered.

2. Claims 1, 3-6, 8-10, 12-15, 17-19, 21-24 and 26-32 are pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-5, 8, 10, 12-14, 17, 19, 21-23, 26, 28-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (hereinafter Bates) United States Letter Patent Number 6,785,732 in view of Liu et al. (hereinafter Liu) United States Publication Number 2002/0147780.

As per claims 1, 10, 19:

Bates teaches a computer program product stored on a computer-readable medium for controlling a computer to scan data accessible via an internet link for malware, said computer program product comprising:

(i) address identifying code operable to identify within currently held data at least one internet address associated with said currently held data; (Col. 2, lines 11-47; Col. 4, lines 39-43; Col. 5, lines 44-46; Col. 9, lines 22-27; Col. 10, lines 59-63)

(ii) retrieving code operable to pre-emptively retrieve via said internet link addressed data that would be accessed by a user following said at least one internet address; (Abstract; Col. 5, lines 51- 57 and lines 65-67; Col. 6, lines 1-3 and lines 28-35; Col. 8, lines 1-3; Col. 9, lines 27-31; Col. 11, lines 4-16; checking e-mails and their attachments, downloaded files and websites or any contained links for possible virus.) and

(iii) scanning code operable to scan said addressed data for malware. (Col. 5, lines 65-67 and Col. 6, lines 1-3; Col. 8, lines 1-3; Col. 9, lines 31-45; a virus checking mechanism that checks email-messages, web pages, and downloaded files and their links before passing them to the user. *if the email message has a link it is checked before the user accesses the data using the link*)

Bates does not explicitly disclose storing code operable to store result data identifying at least addressed data in which malware was not found.

Liu in analogous art, however, discloses storing result data identifying at least addressed data in which malware was not found. (Page 3, paragraph 37)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates to include a storing result data identifying at least addressed data in which malware was not found. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Liu (Abstract) in order to create a database with scanned and cleaned addressed data. This way, a user can retrieve the virus-free data without performing additional scanning for virus.

Both references do not explicitly disclose wherein said addressed data is cached when it has been retrieved. However, it is well known in the art that caching is used in order to provide fast access of recently used data and to view previously accessed link without actually returning to the destination to retrieve it. In addition, the applicant has disclosed "caching internet data is not in itself a new technique and the methods for ensuring that a cached version of some data is the same as that currently accessible via the internet are known in the field". (Page 3, lines 20-25)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates and Liu to include addressed data is cached when it has been retrieved. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so in order to allow fast access and to maintain a database of malware free addressed data.

As per claim 3, 12 and 21:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Bates further discloses a computer program product, a method and an apparatus wherein said address identifying code is operable to search within said currently held data for string data having a format matching a pointer to an internet address. (Col. 6, lines 4-20)

As per claim 4, 13, 22 and 28-29:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Bates further discloses a computer program product, a method and an apparatus wherein said currently held data includes received e-mail messages. (Col. 2, lines 11-35; Col. 6, lines 21-25)

As per claim 5, 14 and 23:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Bates further discloses a computer program product, a method and an apparatus wherein said scanning code is operable to seek to detect within said addressed data one or more of:

computer viruses; (Col. 2, lines 11-12; Col. 4, lines 39-43)

worms;

Trojans;

banned computer programs;

banned words; or

banned images.

As per claim 8, 17 and 26:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Bates further discloses a computer program product, a method and an apparatus wherein if malware is detected within said addressed data, then one or more malware found actions are triggered. (Col. 6, lines 27-36)

As per claim 32:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Liu further discloses a computer program product wherein access to said addressed data is allowed if said result data associated with said addressed data identifies said addressed data as not containing malware and if said addressed data has not changed since it was last scanned.

5. Claims 6, 9, 15, 18, 24, 27 and 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bates et al. (hereinafter Bates) United States Letter Patent Number 6,785,732 in view of Liu et al. (hereinafter Liu) United States Publication Number 2002/0147780 further in view of Hypponen et al. (hereinafter Hypponen) United States Publication Number 2003/0191957.

As per claim 6, 15, 24:

The combination of Bates and Liu teach all the subject matter as discussed above. Both references do not explicitly disclose a system wherein said computer is a firewall computer via which internet traffic is passed to a local computer network.

Hypponen in analogous art, however, discloses a firewall that provides a secure gateway between the network and the Internet and a virus-scanning. (Page 2, paragraph 32 and Page 3, paragraph 41)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates et al. to include a computer that is a firewall computer via which internet traffic is passed to a local computer network. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Hypponen (Page 2, paragraph 32) to scan all the traffic coming from the Internet to the network for a virus or malware.

As per claim 9, 18, 27, and 30-31:

The combination of Bates and Liu teach all the subject matter as discussed above. In addition, Bates further discloses a computer program product, a method and an apparatus wherein said malware found actions including at least one of:

- (i) preventing access to said currently held data; (Col. 6, lines 27-38)
- (ii) removing said at least one internet address from said currently held data; (Col. 9, lines 66-67 and Col. 10, lines 1-2)
- (iii) preventing access to said addressed data; (Col. 10, lines 43-47)
- (iv) blocking internet access by a computer detected to be seeking to access said at least one internet address. (Col. 11, lines 4-6)

Both references do not explicitly disclose removing said malware from said addressed data to generate clean addressed data and supplying said clean addressed data in place of said addressed data.

Hypponen in analogous art, however disclose if a virus is one which can be removed from the data by the server, then the disinfection operation is performed and

the repaired data and attached message are then forwarded to the original destination
(Page 2, paragraph 38)

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the system disclosed by Bates et al. to include removing said malware from said addressed data to generate clean addressed data and supplying said clean addressed data in place of said addressed data. This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so, as suggested by, Hypponen (Page 2, paragraph 38) in order to forward data that has been repaired to the user and also quarantine viruses which cannot be removed.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See Form PTO-892.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shewaye Gelagay whose telephone number is 571-272-4219. The examiner can normally be reached on 8:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Shewaye Gelagay
12/23/05


EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER